

**BROKEN ARROW CITY COUNCIL MINUTES**  
**November 21, 2005**

**1. Call to Order**

Mayor Carter called the meeting to order.

**2. Invocation**

Due to the lack of a volunteer, no invocation was given.

**3. Roll Call**

**Council Present:**

Mayor Richard Carter  
Vice-Mayor Craig Thurmond  
Councilman Wade McCaleb  
Councilman Tom Chatterton  
Councilwoman Melissa Mahan

**Staff Present:**

James Twombly, City Manager	Dennis McIntire, Fire Chief
Lois Beisiegel, Deputy City Clerk	Michael Skates, Dev. Servs. Director
Tom Caldwell, Finance Director	Stephen Steward, I.S. Manager
Farhad Daroga, City Planner	Beth Anne Wilkening, City Attorney
Russell Gale, Human Resource Mgr.	David Wooden, Assistant City Manager
Jay Heinrichs, Controller	Todd Wuestewald, Police Chief
Tom Hendrix, City Engineer	

**4. Pledge of Allegiance to the Flag**

Councilwoman Mahan led those present in the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

- A. Approval of minutes of the regular meeting of November 7, 2005
- B. Acceptance of resignation of Tim Edmondson from the Board of Adjustment, effective September 27, 2005
- C. Approval of bids received and award of the most advantageous bid for one angle dozer
- D. Approval of bids received and award of the most advantageous bid for one ambulance
- E. Approval of bids received and award of the most advantageous bid for Survivair Panther CBRNE compliant SCBA and accessories
- F. Approval of bids received and award of the most advantageous bid for construction of the Nienhuis Park Gymnasium, and authorization to execute the contract documents
- G. Approval of and authorization to execute the Second Amendment to the City of Broken Arrow Flexible Benefit Plan and Resolution No. 420
- H. Approval of and authorization to execute the Broken Arrow Visitors and Special Events Board and the City of Broken Arrow 2005 Funding Agreement for the Broken Arrow Girls Softball League

- I. Approval of and authorization to execute Architect/Engineer Contract No. ST0609 with Tulsa Engineering & Planning Associates, Inc. for design of Kenosha Street Widening, Date Street to Main Street
- J. Approval of and authorization to execute the Vision 2025 Community Center/Nienhuis Park Project Capital Improvements Agreement by and among the Tulsa County Industrial Authority, Board of County Commissioners of Tulsa County, and the City of Broken Arrow
- K. Approval of and authorization to execute the Vision 2025 Downtown/Neighborhood Fund Project Capital Improvements Agreement by and among the Tulsa County Industrial Authority, Board of County Commissioners of Tulsa County, and the City of Broken Arrow
- L. Approval of and authorization to create three new positions and eliminate two unfilled positions
- M. Approval of Conditional Final Plat (PT05-100, DN05-100), for Arrow Acres III, 0.567 acres, 1 lot, R-1 to O-3, located one-quarter mile south of Washington Street (91st Street), on the east side of Elm Place (161st Street)
- N. Approval of BAZ 1692, 25.0 acres, A-1 to O-2 and Specific Use Permit (SP 198), Family Church of the Nazarene, located on the east side of Aspen Avenue (145th Street), ¼ mile south of Florence Street (111th Street), and ¼ mile north of the Creek Turnpike
- O. Acceptance of a Temporary Construction Easement from Teri Ramos, Richard Slagle, and Genevieve Slagle (S10, T18N, R14E) (Project: Aspen Creek Floodplain Erosion)
- P. Acceptance of a Temporary Construction Easement from Billy W. Cassetty and Linda L. Cassetty (S4, T18N, R14E) (Project: Duck Lane Culvert Improvements)
- Q. Acceptance of a Temporary Drainage and Storm Sewer Easement With Termination Clause from Joan A. Dickerson and Monte L. Dunham (S17, T18N, R14 E) (Project: The Villages at Wood Creek II)
- R. Acceptance of a Sidewalk Easement from Evergreen Baptist Church, (S30, T18N, R14E) (Project: Evergreen Baptist Church Sidewalk)
- S. Acceptance of Deed of Dedication from Siegrfried Companies, Inc. (S21, T18N, R14E) (Project: Broken Arrow Assembly of God Church Offsite Sewerline)
- T. Approval of the Claims List

Vice-Mayor Thurmond requested Item 5Q be pulled for separate consideration.

<b>Motion:</b>	<b>Move to approve the Consent Agenda with exception of Item 5Q.</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

Vice-Mayor Thurmond exited the room.

## 6. Consideration of Items Removed from Consent Agenda

- Q. Acceptance of a Temporary Drainage and Storm Sewer Easement With Termination Clause from Joan A. Dickerson and Monte L. Dunham (S17, T18N, R14 E) (Project: The Villages at Wood Creek II)

<b>Motion:</b>	<b>Move to approve Consent Agenda Item Q.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb and Richard Carter
<b>Nays:</b>	None

Vice-Mayor Thurmond was unavailable for the vote.

Vice-Mayor Thurmond entered the room.

## 7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. **Presentation:** Metropolitan Tulsa Transit Authority report on the status of the Broken Arrow Bus Route and approval of Rate Structure effective January 1, 2006

Tulsa Transit General Manager Bill Cartwright presented the item, noting they have recently expanded the route to include 3 stops per day in the Bass Pro Shop area; ridership is very strong, approaching 165 riders a week; the service has been realigned the to accommodate more people; complaints remain very low; shelters are on order and benches have been installed. Mr. Cartwright stated the challenge is to increase service since demand continues to grow. He commented they still have to deny requests for scheduled trips as they are at capacity, and travel times are long in some instances.

Mayor Carter expressed his appreciation for the increase in ridership and service, and acknowledged the difficulties in the services due to length of time it takes to go around the city and the fact the bus is going in the opposite direction some riders need to go.

Councilman McCaleb, noting one of the bus drivers was recently pulled over for speeding, inquired if MTTA monitors the drivers. Mr. Cartwright commented he is unaware of that incident and verified they do monitor drivers.

Mary Munoz, 2401 N. 14<sup>th</sup> Place, addressed Council noting there is a need for a second bus to cut down on the long rides. She spoke in favor of obtaining a second bus and suggested getting help from the Department of Transportation in obtaining grants, redirecting money from roads to use for public transportation, obtaining money from developers and private businesses. Mrs. Munoz offered to be of assistance in being a member of a committee to look into a solution.

Margaret Flanagan, 18817 E. 114<sup>th</sup> Street South, speaking in favor of a second bus, stated until MTTA took over the bus system she was not able to ride the bus at all because she was outside of the established route area. Now, she can utilize the bus system; however she can only make one trip per day due to the high demand and long trip time.

Mayor Carter read statement from Christian Hildwein, 105 W. Washington, who did not wish to speak before Council; however wanted his support of a second bus noted on the record.

Mayor Carter noted the comments have been positive toward the service currently being provided, noting with the increased demand for service an additional bus and more routes are needed.

In response to inquiries by Councilman McCaleb, Mr. Cartwright stated MTTA is aggressive in obtaining grants. He commented that federal money is used to obtain the vehicles; however, they need help in operations, which is the cost of running the bus. He noted it is not difficult to find funding for purchasing vehicles; however since the grants and matching funds don't cover operations expenses, it is difficult to fund the operation of the vehicle. Mr. Cartwright noted MTTA can supply the vehicle, but the City will need to double their annual contribution to get another bus on the route. In further response to Councilman McCaleb, Cartwright commented MTTA deals primarily with federal and state grants, suggesting the City could possibly obtain additional funding from private industry. As a short term solution, Mr. Cartwright suggested looking at a part-time bus during the peak use hours, noting he will provide the financial information to Council.

Kim Tanner, 814 N. 4<sup>th</sup> Street, spoke in favor of a second bus, commenting she was denied service on the Broken Arrow bus from her home to the park & ride bus due to the high demand during that time. She also commented on the length of time it takes her to get home when she has been able to utilize the bus.

<b>Motion:</b>	<b>Move to approve the established MTTA rate structure effective January 1, 2006.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Tom Chatterton
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

- B. **Appeal:** Appeal of Planning Commission denial of BACP 60, a request to change the Comprehensive Plan Designation on property located between 4th and 5th Streets, north of Kenosha Street from Levels 1 and 3 to Level 6

City Planner Farhad Daroga presented the item, noting the applicant has appealed the Planning Commission taking no action on the request. He outlined zoning of land surrounding the applicants' property, noting the applicant has agreed to the platting of this property and the request has been submitted with a concept PUD. Staff had recommended approval of this application, subject to the property being replatted and with the PUD process, as requested by the applicant; however, the Planning Commission felt that the proposed change from Level 1 to Level 6 was too drastic and possibly better suited for a transition to Level 3 or Level 4, adjoining the single family homes, would have been more appropriate. Mr. Daroga noted Kenwood Acres originally was platted in 1948.

In response to Vice-Mayor Thurmond, Mr. Daroga explained staff recommended approval because based on the adjoining commercial uses and some of the residences fronting Kenosha Street have been converted to commercial uses over the years. Additionally, with the change to Level 6 earlier this year, this lot by itself is fairly shallow and will need additional depth in the property to develop it in a commercial manner. He noted Level 6 allows light industrial also, and that is possibly why the neighbors are opposing the change.

In response to inquiries from Councilman McCaleb, Mr. Daroga commented automotive services can be offered in Level 6 which is similar to the surrounding car dealerships, car washes, etc. He noted this can be conditional to the PUD. In regard to stormwater, he noted the City has gone in over the years and addressed some of those issues. Vice-Mayor Thurmond stated stormwater will be addressed in the engineering stage.

Justin Cook, representing the applicant, noted they have planned for a PUD from the beginning; however the application process requires the comprehensive plan process be completed first, commenting a draft PUD has been presented with this application. The south corner of the property has been reserved for stormwater detention. He commented they are not planning to go

any deeper into the neighborhood than is already present in the adjoining areas and the applicant is willing to provide buffering for the neighborhood. He addressed traffic access, noting City staff has agreed with the applicant that traffic access needs to be on the side streets and not on Kenosha.

In response to Councilman McCaleb, Mr. Cook stated the front square is all that will be developed commercially. The back of the property will be a stormwater detention pond and any area remaining between the detention pond and the front piece will be a multifamily residential building, one or two duplexes depending on the amount of land available. Stormwater detention will cover commercial development area and the duplex. He commented the developer would like to have a restaurant in there; however, potential users want confirmation of zoning before they commit.

Mark Phillips, spoke in opposition to the item noting the street issue is the most important thing that needs to be addressed. He noted 4<sup>th</sup> street is barely large enough to allow two cars to pass. The neighborhood children use 4<sup>th</sup> street use the street to walk to school and he is concerned about their welfare due to the narrow street conditions. He believes there is no place to put in sidewalks due to the drainage ditches on both sides of the road. Mr. Phillips is also concerned about the drainage problem, noting there continues to be standing water, year round, in the drainage ditch.

Mr. Cook addressed the drainage concerns brought up by Mr. Phillips and inquiries from Council. He explained a hydrology study of the area will be done and detention will be designed to catch all of the water off the site with curb and gutter on the side streets. He further commented although development will reduce water going to the neighborhood from this site, it will not resolve the neighborhoods' water problem because it is all low lying land. Mr. Cook commented they have not secured a commercial business for the site and have not spoken with motel developers regarding this site.

In response to Council inquiries, Assistant City Manager Dave Wooden explained the City has attempted to address the sidewalk issue in the past; however, at that time the property owners would not give the City right-of-way to put in sidewalks. He noted if the property owners will dedicate the land for sidewalks, funding from the Community Development Block Grant could be used to install them.

<b>Motion:</b>	<b>Move to approve BACP 60 subject to platting and approval of the PUD.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

**8. Citizens' Opportunity to Address the Council (approximately 7:00 p.m.)**

Although Gentle Earth Recycling signed up to address Council, when called upon, nobody came forward to speak.

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths (continued)**

C. **Appeal:** Appeal for approval of a variance request for sign/flowerbed in right-of-way (2208 N. Yellowood Ave)

Michael Skates presented the item and gave background, noting the project began as a building tenant finish permit.

In response to Councilman McCaleb, Mr. Skates noted other than the original tenant permit which did not show the sign or location of the pedestals, there was no contact made with the City by either the contractor or the applicant. He commented it does not meet City Code as it sits in the right-of-way.

Michelle Murphy, applicant, addressed Council commenting she did not do anything maliciously and was not aware needed a permit until she received the sticker from the inspection department that she is in violation. Ms. Murphy briefly explained how placement of the sign was decided and submitted photographs of her building and others in the area as examples. In response to inquiries, Ms. Murphy informed Council she may have recourse with her contractor if Council does not approve her request for a variance. She further explained her immediate concern is to obtain permission to have her gas line inspected and turned on, which cannot be done until this issue is resolved.

There was general discussion on pictures provided by applicant of other buildings in the 6100 center which appear to also be in violation. It was noted the properties in question would need to be reviewed; however, staff is unaware of any violations or variances in that area.

Councilman McCaleb, inquired if this item can be tabled while Inspections reviews others in the area to see if there are others in violation.

In response to Vice-Mayor Thurmond's inquiry of what is the city's liability is if the variance is granted, City Attorney Beth Anne Wilkening stated she would not allow the City to approve something like that without a release of liability from the applicant.

In response to an inquiry from Mayor Carter, Ms. Wilkening noted it is possible to allow permitting of the gas line, so long as no modifications are made to the sign.

<b>Motion:</b>	<b>Move to table for 2 weeks; however, allow final inspection to set the gas meter, and occupancy of the building.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

## **9. General Council Business**

### **A. Approval of Budget Calendar for Fiscal Year 2007**

Assistant City Manager Dave Wooden presented the item noting the City is required by state law to prepare an annual budget and have it approved by City Council in June of each year. City Staff has started the budget process. The 2007 Fiscal Year Budget Calendar calls for two Special City Council Meetings: January 9, 2006 –to review the City's financial status, establish/approve projected revenues for FY 2007 and establish/approve final parameters for budget requests; and May 22, 2006 - to review proposed budget with the City Manager and department heads.

<b>Motion:</b>	<b>Move to approve the Budget Calendar for Fiscal Year 2007.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

- B. Approval to proceed with condemnation of property located at Lot 1, Block 2, Parkview Addition (Project: Elm Place Widening from Kenosha to Houston)

Assistant City Manager Dave Wooden presented the item, noting property owned by Philip and Mary Zachary is necessary for construction of the Elm Place Widening project. Two rental houses are located on the parcel. During design, staff attempted to work around the houses by constructing retaining walls and changing driveways. Unfortunately, this would result in an undesirable solution for both the occupants and the City. As a result, it was decided to purchase the entire parcel. The appraised value of \$106,200.00 was offered to the owners who countered with \$150,000.00. This is unacceptable to the City. It is recommended that the City proceed with condemnation of the property.

<b>Motion:</b>	<b>Move to authorize staff to proceed with condemnation of this property.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

- C. Approval to proceed with condemnation of property located at Lot 12, Block 4, West Park Addition (Project: Elm Place Widening from Kenosha to Houston)

Assistant City Manager Dave Wooden presented the item, noting property owned by Michael and Willodean Steen is necessary for construction of the Elm Place Widening project. One house is located on the property. During design, staff attempted to work around the house by constructing retaining walls and changing driveways. Unfortunately, this would result in an undesirable solution for both the occupants and the City. Therefore, it was decided to purchase the entire parcel. The appraised value of \$68,500.00 was offered to the owners who countered with \$89,000.00. The City's final offer of \$79,000.00 was rejected. It is recommended that the City proceed with condemnation of the property.

<b>Motion:</b>	<b>Move to authorize staff to proceed with condemnation of this property.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

- D. Approval of direction of publication and Legal Notice of Annexation the S/2 of the NW/4 of Section 9, Township 17 North, Range 14 East, Tulsa County, Oklahoma

City Attorney Beth Anne Wilkening presented the item, noting the property owners have indicated their desire to be annexed into the city limits of Broken Arrow. Pursuant to Title 11, Section 21-103 of the Oklahoma Statutes, the Council must direct publication in a legally qualified newspaper of general circulation within fourteen (14) days. State Statute also requires that Notice be sent to all owners of property abutting any public right-of-way that forms the boundary of the territory proposed to be annexed.

<b>Motion:</b>	<b>Move to approve direction of publication and Legal Notice of Annexation.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb and Richard Carter

## 10. City Manager's Report

- A. No report was scheduled; however, due to the recent trip to Moline and Davenport, the City Manager took this opportunity to present information on downtown redevelopment in those areas.

City Manager Jim Twombly presented a slide-show and gave a preliminary report on the recent trip to Moline taken by the City Manager and some Council members. He noted the purpose of the trip was to attend the Grand Opening festivities of Stoney Creek Inn, one of the companies interested in building the hotel for the City's convention center project. Twombly commented this hotel has a bit more of an urban look than the hotel concepts recently presented to the City, noting the City of Moline had the hotel moved forward, toward the street, so it would fit in with the urban feel of the other buildings in the area. Pictures of the inside of some rooms of the hotel and the outside of the hotel were also displayed.

The group also traveled to Davenport, which has a public art program, currently consisting of 30 pieces disbursed around the downtown area. The program includes placement of banners, benches, and landscaping which is all part of what they call a Downtown Improvement District.

There was general discussion of funding, types of development, establishment of Authority duties and requirements, and how these cities compare to Broken Arrow in population, economics, area and development.

**No action was taken.**

## 11. Preview Ordinances

- A. Approval of a preview ordinance amending the Broken Arrow Code, Chapter 23, Article 1 - General, Section 23-37, Use of Child Passenger Restraining System Required; Exceptions; Penalty, Repealing all ordinances to the contrary
- B. Approval of a preview ordinance closing a 22' utility easement located on Lots 1 and 2, Block 2, Dobbs Park, City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, and providing for reservation of rights within the closed easement
- C. Approval of a preview ordinance amending Chapter 5, Article 1 - Section 5-17 of the Broken Arrow Code pertaining to cruelty to animals; Repealing all ordinances to the contrary; and declaring an emergency
- D. Approval of a preview ordinance, to be codified, creating Article XVI, Section 2-230 and following by establishing the Broken Arrow Downtown Advisory Board, repealing all ordinances to the contrary; and declaring an emergency
- E. Approval of a preview ordinance amending the Broken Arrow Code by amending Section 7-301, 7-304 and 7-320, regulating the movement of oversized loads by motor vehicle over the public streets, amending the height restriction of building or structures that may be transported over the roadways, amending the permitting requirements, amending the fee schedule; and repealing all ordinances to the contrary; and declaring an emergency

City Attorney Beth Anne Wilkening reviewed the preview ordinances for Council noting Item A brings Section 23-37, of the Broken Arrow Code, into compliance with SB 799 which became effective on November 1, 2005. SB 799 increased the fine for failure to use child passenger restraining systems from \$10.00 to \$50.00.



Ms. Wilkening commented, in Item B the applicant is requesting vacation of the 11' utility easement located on both Lots 1 and 2 of Block Two in the subdivision of Dobbs Park, to facilitate future development centrally located on these lots. No existing utilities are located in these easements. All staff and utility companies have recommended closure of the easement.

In reference to Item C, Ms. Wilkening noted Section 5-17 of the Broken Arrow Code addresses cruelty to animals. The proposed amendment to this section requires that all animals kept within the city limits be housed, watered, fed and protected from the weather in such a manner as to not endanger their life or well-being. It also prohibits confinement of animals in vehicles under conditions which could endanger their health or well-being. The final addition provides that Animal Control Officers are to take animals which are maltreated or abused into custody for treatment by a veterinarian or placement at the shelter. These proposed revisions give Animal Control Officers more options in caring for animals in our community.

Summarizing Item D, Ms. Wilkening noted the Mayor recently appointed seven members of our community to the Broken Arrow Downtown Advisory Board. This ordinance was written to clarify the Board's purpose and intent, as well as establish terms of office and parameters for appointment.

Regarding Item E, Ms. Wilkening explained that in an effort to improve customer service and reduce the confusion of the companies that transport oversized loads through the City of Broken Arrow, city staff reviewed the provisions of the oversized load ordinance. Changes have been made in the permitting process, the city escort requirements and the oversized load definitions in order to eliminate some of the confusion. The proposed ordinance changes provide more standardization in the types of loads that may be transported across city roads without requiring city escorts. The proposed revisions have been reviewed with the industry and they are in agreement with the changes. In addition, an administrative change has been made which allows the companies to FAX requests for permits.

In response to Councilman McCaleb's inquiry of Item D, Ms. Wilkening explained attendance requirements of appointees to all City Boards, Authorities and Trusts are addressed by policy. She further responded an attendance requirement will be added to the final version of the ordinance.

Mayor mentioned the oversize load ordinance was developed with input from local businesses which generally transport oversized loads.

<b>Motion:</b>	<b>Move to approve the preview ordinances as presented and set them for adoption at the meeting of December 5, 2005.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

## 12. Ordinances

- A. Adoption of Ordinance Number 2744 - An ordinance closing a 20' waterline easement, located on Lot 1, Block 1 Greenway Business Park II, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, and providing for reservation of rights within the closed easement. Greenway Business Park Vacation of Easement

City Attorney Beth Anne Wilkening reviewed the ordinance for Council noting the developer is requesting closure of a 20' water line easement. During construction, it became necessary to

move the proposed building footprint 25 feet to the west of the original site. With this move, the proposed building would encroach on the 20' waterline easement that was established to service this development only. Because the building was relocated and internal fire suppression was chosen, the number of fire hydrants required and amount of water line needed to service the building was decreased. The property owner will dedicate a new 20' waterline easement for the newly designed water lines and hydrant locations.

<b>Motion:</b>	<b>Move to adopt Ordinance Number 2744.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

### 13. Remarks and Inquiries by Governing Body Members

There were no remarks or inquiries by governing body members.

<b>Motion:</b>	<b>Move to recess to Broken Arrow Municipal Authority meeting, before returning for Executive Session.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

Council recessed for the Broken Arrow Municipal Authority Meeting.

**Following the Broken Arrow Municipal Authority Meeting, the Mayor reconvened the regular session of the City Council Meeting.**

<b>Motion:</b>	<b>Move to enter into Executive Session.</b>
<b>Motion by:</b>	Tom Chatterton
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and its Attorney, concerning the benefits and legal ramifications in the possible creation of an economic development trust authority and on another matter pertaining to economic development, both of which include the possibility of property transfer, financing, and/or the creation of a proposal to entice businesses to locate within the City of Broken Arrow under Title 25 O.S. 2001 § 307C(10), and potential litigation concerning condemnation of right-of-way on the Elm Place Street Widening Project under Title 25 O.S. 2001 § 307B(3) and 307B(4). In the opinion of the City Attorney, the Council is advised that disclosure could interfere with the development of products or services and violate the confidentiality of the business and will seriously impair the ability of the public body to conduct litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

**Mayor Carter reconvened the regular session of the City Council Meeting.**

<b>Motion:</b>	<b>Move to authorize staff to initiate condemnation proceedings on the Florence Freem property.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to authorize staff to proceed as directed with regard to potential Economic Development Authority.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Tom Chatterton
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to proceed as directed with proposed economic development prospect.</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Melissa Mahan
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

## 15. Adjournment

<b>Motion:</b>	<b>Move to adjourn.</b>
<b>Motion by:</b>	Melissa Mahan
<b>Second by:</b>	Tom Chatterton
<b>Ayes:</b>	Melissa Mahan, Tom Chatterton, Wade McCaleb, Craig Thurmond and Richard Carter
<b>Nays:</b>	None

**The meeting was adjourned.**

## BROKEN ARROW MUNICIPAL AUTHORITY MINUTES November 21, 2005

The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, November 21, 2005, immediately following the Broken Arrow City Council meeting, which began at 6:30 p.m.

### 1. Call to Order

Chairman Carter called the meeting to order at the noted time of 8:48 pm.

### 2. Roll Call

**Trustees Present:**

Chairman Richard Carter  
Vice-Chairman Craig Thurmond  
Trustee Wade McCaleb  
Trustee Tom Chatterton  
Trustee Melissa Mahan

**Staff Present:**

James Twombly, City Manager  
Lois Beisiegel, Deputy City Clerk  
Tom Caldwell, Finance Director  
Farhad Daroga, City Planner  
Russell Gale, Human Resource Mgr.  
Jay Heinrichs, Controller  
Tom Hendrix, City Engineer

Dennis McIntire, Fire Chief  
Michael Skates, Dev. Servs. Director  
Stephen Steward, I.S. Manager  
Beth Anne Wilkening, City Attorney  
David Wooden, Assistant City Manager  
Todd Wuestewald, Police Chief

**3. Consideration of Consent Agenda**

- A. Approval of minutes of regular meeting of November 7, 2005
- B. Approval of and authorization to execute a Letter of Engagement between the Broken Arrow Municipal Authority and Cinnabar Service Company for land and right-of-way acquisition services for 12" Waterline Loops
- C. Approval of the Claims List

**Motion** by Chatterton, second by Thurmond, to approve the Consent Agenda as submitted.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

**Motion carried.**

**4. General Authority Business**

- A. None

**No Items were considered and no action was taken.**

**Motion** by McCaleb, second by Mahan, to take a short break before returning for Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

**Motion carried.**

- 5. Executive Session** for the purpose of confidential communications between the Broken Arrow Municipal Authority, the City Manager, the Assistant City Manager and its attorney to discuss the contract claim and possible litigation regarding Allied Waste Management (BFI) under Title 25 O.S. § 307(B)(4) In the opinion of the City Attorney, the Broken Arrow Municipal Authority is advised that disclosure will seriously impair the ability of the public body to proceed in the public interest. After the conclusion of the confidential portion of executive session, the Broken Arrow Municipal Authority will reconvene in open meeting, and the final decision, if any, will be put to a vote.

**Chairman Carter reconvened the regular session of the Broken Arrow Municipal Authority Meeting.**

**No action was taken.**

**6. Adjournment**

**Motion** by Chatterton, second by McCaleb, to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

**Motion carried.**

**The meeting adjourned at the noted time of 8:55 pm.**

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Chairman

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City Clerk